IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16259 of 2004

Between:

1. Dr. Fakhre Alam, S/o.Noorulhoda,

   R/o. H.No. 10-2-342/A, Mallepally, Hyderabad.
2. Kaleem Mohiuddin, S/o. Md. Moiuniddin,
   R/o. NRS Hostel, University of Hyderabad.

..... PETITIONERS

AND

1 Moulana Azad National Urdu University, Gachibowli,

Hyderabad, Rep by its Registrar.
2 Secretary, Ministry of Human Resources and Development,

Union of India, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in not sending call letters to the petitioners to the interviews held on 27-08-2004 to the post of lecturers in Urdu is unconstitutional and consequently declare that the selection process undertaken pursuant to the notification No. 8/04 dated 04-07-04 to fill up the post of lecturers in R1 University as null and void.

Counsel for the Petitioners :**MR.K.S.MURTHY**

Counsel for the Respondent No.1 :THE ADVOCATE GENERAL.

Counsel for the Respondent No.2 :MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following **ORDER**:

The first respondent-University issued a notification No.8 of 2004 on 04-07-2004 inviting applications from eligible candidates to fill up the posts of Professors, Readers and Lecturers. The petitioners contend that they applied for the post of Lecturer in Urdu in the year 2002 and Clause III of notification No.8 of 2004 clarifies that the applications submitted during the year 2002 will also be taken into consideration for the purpose of the posts notified in the said notification and the candidates who wants to furnish any additional information were given opportunity through the said notification to furnish the said information to the concerned authorities for the purpose of consideration of their candidatures. The first respondent-University received 701 applications for the posts of two Urdu lecturers. Therefore, the respondent-University short-listed the candidates through the screening committee by prescribing a benchmark that the candidates who passed Ph.D with NET and who secured between 76% and 66% in the Post Graduation and accordingly identified 20 candidates who fulfilled the above requirements in the screening test.

The respondent University submits that the interviews were conducted to the above 20 candidates and the final results have to be announced. The petitioners filed the Writ Petition in their individual capacity.

The learned Counsel for the petitioners concedes that the second petitioner does not possess the requisite qualifications as per the norms fixed for short-listing the candidates. So far as the first petitioner is concerned, the petitioner asserts that he fulfilled all the requirements of the candidature that were identified in short listing, but the University authorities failed to send him the call letter for interview with ulterior motives and to help certain candidates of their choice, including the wife of the A.P.R.O. The first petitioner concedes that he does not possess Ph.D. by the date of his application in the year 2002. He secured Ph.D. in October, 2003. He contends that in pursuance of the notification dated 04-07-2004, he furnished the additional information to the first respondent-University by enclosing all the relevant documents including the copy of the degree of Ph.D. But he contends that no acknowledgment was given to him, when it was presented to the concerned clerk who was collecting the applications, subsequent to the date of notification dated 04-07-2004.

The first respondent contends that the University has no bios in respect of any candidate and it is not the concerned clerk or the attenders who shorted out the applications and conducted the screening of the applications. It is a screening committee that was constituted, have gone through the applications and after a detailed scrutiny, identified the candidates who secured the requisite qualifications as fixed by the University and during the screening only, they identified 20 candidates who have fulfilled the norms prescribed for short listing of the candidates. Since there is no information relating to the petitioner available in the record about his acquisition of PhD. qualification etc., there was no scope for the University to consider the application of the petitioner also for the purpose of sending call letter by including him in the short listed candidates. Though the petitioner pointed out that certain candidates who are fully qualified have not been given opportunity for interview and certain candidates who did not fulfill the requisite qualifications were called for interview, those candidates did not come forward with any grievance for the alleged injustice if any done to them. The petitioner has not filed this Writ Petition in a representative capacity or by way of public interest litigation.

The respondent in his counter-affidavit expressly mentioned that the candidates referred to by the petitioner in the writ affidavit did not fulfill the requisite standard prescribed for the purpose of short listing of the candidates and specifically asserted that the wife of the A.P.R.O. was fully qualified with all the requisite qualifications. Therefore, she was also included in the list of short listed candidates by the screening committee.

The petitioner in the reply affidavit mentioned that he submitted a copy of the Ph.D. degree along with application for the post of Assistant Director (Translation) notified under the same notification. But, unless the petitioner specifically indicates for what post he was furnishing the additional information, it may be difficult for the University to search for all the applications made in respect of other posts and to verify whether the candidate who made the application for the post of Assistant Director(translation) fulfilled the qualifications required for the post of an Urdu Lecturer. The petitioner further mentioned in the reply affidavit that he submitted a set of papers along with the bio-data for the post of the Urdu Lecturer also, but no receipt was issued to him in token of acknowledgment of the receipt of such papers as additional information for the post of the Urdu Lecturer. Since the petitioner did not take sufficient care to see that the additional information called for through the notification dated 04-07-

2004 has been safely kept along with the application presented by him in the year 2002, it may not be appropriate to attribute any motives to the University in denying the opportunity to the petitioner. If the petitioner obtain any acknowledgment in proof of furnishing the additional information, it would have been a very strong ground for him irrespective of the concerned authorities mixing the papers enclosing the additional material along with the application of 2002, there would have been a scope to attribute indifference or *malafidies* to the respondent. In the absence of such material, it cannot be said that the University violated the procedure prescribed under the rules or that they acted in a biased manner towards the petitioner.

In the light of the above circumstances, the petitioners are not entitled for the relief as prayed for. The writ petition is accordingly dismissed. In the light of the assertion made by the first petitioner that the respondent-University authorities are not giving acknowledgments, it may be appropriate for the first respondent-University to adopt a system of acknowledging the papers, that are being received at the counters of the University.

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Dr. G. Yethirajulu, J.

Dt:1st October, 2004.

Rns.

To

1. The Registrar,

Moulana Azad National Urdu University,

Gachibowli, Hyderabad.

2. Secretary, Ministry of Human Resources and Development,

Union of India, New Delhi.

3. Two CCs to Advocate General, High Court of A.P.,

Hyderabad.(OUT),

4. Two CD copies.